

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 256

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**Introduced by Assembly Member Nestande**

February 3, 2011

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~~An act to amend Sections 2079 and 2082 of the Health and Safety Code, relating to vector control. An act to add Section 8546.9 to the Government Code, relating to state government.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 256, as amended, Nestande. ~~Vector control. State Auditor: state employee suggestion program.~~

*Under existing law, the Department of Personnel Administration administers an employee suggestion program and may make specified monetary awards to a current or retired state employee who proposes, among other things, procedures or ideas that will result in eliminating or reducing state expenditures or improving operations, if the proposals are put into effect.*

*Existing law establishes the Bureau of State Audits, which is headed by the State Auditor and has specified statutory duties, including the performance of statutorily mandated audits. Existing law establishes the State Audit Fund, which is continuously appropriated for the expenses of the State Auditor.*

*This bill would require, notwithstanding the continuous appropriation and upon an appropriation by the Legislature, the State Auditor to establish a reward program for state employees who identify innovative solutions for inefficiencies in state government or methods for saving the state money. The program would provide for the review of proposals by the State Auditor and the Legislative Analyst, as prescribed, and*

would require a state agency or department to implement a proposal that would result in any savings to an implementing agency or department, as specified. The bill would require that the State Auditor provide a reward in the amount of 10% of the savings realized by the agency or department within the first fiscal year of implementation to both the state employee who made the proposal and to the implementing state agency or department, as specified.

~~The Mosquito Abatement and Vector Control District Law authorizes the establishment of mosquito abatement and vector control districts governed by a board of trustees. The board of trustees is required to provide for regular audits of the district's accounts and records. The law also authorizes the district to levy special benefit assessments to finance vector control projects and programs.~~

~~This bill would require the board of trustees to adopt a formal, written response to any irregularities or accounting issues raised in the audit and provide this response to the appointing authority of each member of the board of trustees. The bill would also require the district before it levies special benefit assessments to provide specified notice to the appointing authority.~~

~~By imposing new duties upon a mosquito abatement and vector control district, this bill would constitute a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 8546.9 is added to the Government Code,
- 2     to read:
- 3     8546.9. (a) Notwithstanding Section 8544.5, and upon an
- 4     appropriation by the Legislature for this purpose, the State Auditor
- 5     shall establish a reward program for state employees who identify
- 6     innovative solutions for inefficiencies in state government or
- 7     methods for saving the state money.
- 8     (b) A state employee who has identified an innovative solution
- 9     for an inefficiency in state government or other methods for saving

1 the state money shall submit his or her proposal to the State  
2 Auditor on a form to be developed by the State Auditor. The State  
3 Auditor shall accept applications that are submitted by mail or  
4 e-mail.

5 (c) After recording the receipt of an application and redacting  
6 the personal identifying information of the state employee, the  
7 State Auditor shall forward the proposal to the Legislative Analyst.  
8 The Legislative Analyst shall be responsible for evaluating the  
9 application and determining whether the proposal is viable and  
10 whether the implementation of the proposal would result in any  
11 savings to the implementing agency or department. The Legislative  
12 Analyst's conclusions shall be submitted as a report to the State  
13 Auditor.

14 (d) If the State Auditor concurs with the determinations of the  
15 Legislative Analyst that the proposal is viable and would result in  
16 savings to the agency or department of any amount, then the State  
17 Auditor shall notify the state agency or department to which the  
18 proposal pertains of the determination. To the extent permitted by  
19 statute, the state agency or department shall implement the  
20 proposal within a reasonable time. If the state agency or  
21 department determines that the proposal cannot be implemented  
22 without a statutory change, then the agency or department shall  
23 report to the Legislature and the State Auditor the statutory  
24 changes that are required to enable the agency or department to  
25 implement the proposal.

26 (e) The agency or department, after implementing the proposal,  
27 shall report to the State Auditor the amount of savings realized by  
28 the agency or department in the first fiscal year as a result of  
29 implementing the proposal.

30 (1) Subject to the requirements of this subdivision, the State  
31 Auditor shall make an award to the state employee applicant in  
32 the amount of 10 percent of the amount of money saved by the  
33 state agency or department in the first fiscal year of implementing  
34 the proposal.

35 (A) A state employee shall not be eligible for an award if that  
36 employee utilized state time or resources to develop or submit the  
37 proposal to the State Auditor.

38 (B) Employee eligibility for awards will be measured in terms  
39 of assigned or expected job responsibilities. Eligibility shall be  
40 initially determined by the State Auditor, after consultation with

1 the agency or department that employed the applicant at the time  
2 the proposal was submitted. An employee is not eligible for an  
3 award for a proposal pertaining to a subject assigned to him or  
4 her for research, development, or solution for which he or she has  
5 a clear and specific responsibility to offer as part of his or her  
6 normal job requirements. In determining normal job  
7 responsibilities, the State Auditor shall consider the job description  
8 and duty statement, performance requirements, supervisors'  
9 interpretations, authority to place proposals into effect,  
10 expectations of the classification job specification, and other  
11 factors, such as customary practice, which may have a bearing on  
12 the duties expected of the applicant.

13 (2) The State Auditor shall also make an award to the  
14 implementing state agency or department in an amount of 10  
15 percent of the amount of money saved by the state agency or  
16 department in the first fiscal year following the implementation of  
17 the proposal. In order to encourage the participation of state  
18 agencies and departments, it is the intent of the Legislature that  
19 the appropriation to a state agency or department in the fiscal  
20 year following the implementation of a proposal be in an amount  
21 sufficient to preserve the 10 percent award to the state agency or  
22 department.

23 (3) Any award made by the State Auditor may be paid from the  
24 appropriation available to the state agency or department affected  
25 by the award.

26 ~~SECTION 1. Section 2079 of the Health and Safety Code is~~  
27 ~~amended to read:~~

28 ~~2079. (a) The board of trustees shall provide for regular audits~~  
29 ~~of the district's accounts and records pursuant to Section 26909~~  
30 ~~of the Government Code. If an audit identifies an irregularity or~~  
31 ~~accounting issue, the board of trustees shall adopt a formal, written~~  
32 ~~response and provide this response to the appointing authority of~~  
33 ~~each member of the board of trustees.~~

34 ~~(b) The board of trustees shall provide for the annual financial~~  
35 ~~reports to the Controller pursuant to Article 9 (commencing with~~  
36 ~~Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of~~  
37 ~~the Government Code.~~

38 ~~SEC. 2. Section 2082 of the Health and Safety Code is amended~~  
39 ~~to read:~~

1     ~~2082. (a) A district may levy special benefit assessments~~  
2 ~~consistent with the requirements of Article XIII D of the California~~  
3 ~~Constitution to finance vector control projects and programs.~~

4     ~~(b) Before beginning a vector control project or program~~  
5 ~~proposed to be financed pursuant to this section, the board of~~  
6 ~~trustees shall adopt a resolution that does all of the following:~~

7     ~~(1) Specifies its intent to undertake the project or program.~~

8     ~~(2) Generally describes the project or program.~~

9     ~~(3) Estimates the cost of the project or program.~~

10   ~~(4) Estimates the duration of the proposed special benefit~~  
11 ~~assessment.~~

12   ~~(c) After adopting its resolution pursuant to subdivision (b), the~~  
13 ~~board of trustees shall proceed pursuant to Section 53753 of the~~  
14 ~~Government Code. The board of trustees shall also mail the notice~~  
15 ~~described in subdivision (b) of Section 53753 to the appointing~~  
16 ~~authority of each member of the board of trustees within the~~  
17 ~~timeframe described in that subdivision, except that this notice~~  
18 ~~shall not include the amount chargeable to a specific record owner's~~  
19 ~~parcel. The members of the board of trustees shall make~~  
20 ~~themselves, as well as district staff, available to the appointing~~  
21 ~~authority and the staff of the appointing authority to discuss the~~  
22 ~~proposed special benefit assessment at any time prior to the public~~  
23 ~~hearing described in the notice. The board of trustees shall also~~  
24 ~~notify each appointing authority of this availability.~~

25   ~~(d) The special benefit assessments levied pursuant to this~~  
26 ~~section shall be collected at the same time and in the same manner~~  
27 ~~as county taxes. The county may deduct an amount not to exceed~~  
28 ~~its actual costs incurred for collecting the special benefit~~  
29 ~~assessments before remitting the balance to the district. The special~~  
30 ~~benefit assessments shall be a lien on all the property benefited.~~  
31 ~~Liens for the assessments shall be of the same force and effect as~~  
32 ~~liens for property taxes, and their collection may be enforced by~~  
33 ~~the same means as provided for the enforcement of liens for county~~  
34 ~~taxes.~~

35   ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
36 ~~Section 6 of Article XIII B of the California Constitution because~~  
37 ~~a local agency or school district has the authority to levy service~~  
38 ~~charges, fees, or assessments sufficient to pay for the program or~~

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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